

House Bill 1258

By: Representative Fludd of the 66<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Part 4 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to manufactured or mobile homes, so as to prohibit an owner of a manufactured home park from selling the park or closing the park without notice to the residents; to provide the residents in good faith an opportunity to purchase the park; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Part 4 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to manufactured or mobile homes, is amended by creating a new Subpart 5 to read as follows:

"Subpart 5

8-2-192.

As used in this subpart, the term:

(1) 'Family member' includes the manufactured home park owner's spouse, son, daughter, mother, father, brother, sister, grandson, granddaughter, stepchildren, stepgrandchildren, or first cousins.

(2) 'Final unconditional acceptance of any offer' means a fully executed agreement for the sale of a manufactured home park that is not conditioned on providing the notice to residents required by Code Section 8-2-193.

(3) 'Manufactured home' means manufactured homes as defined by paragraph (4) of Code Section 8-2-160 and also includes any prefabricated dwelling unit which:

(A) Is designed for long-term and continuous residential occupancy;

(B) Is designed to be moved on wheels, as a whole or in sections; and

(C) On arrival on the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connection with utilities, and placing on support or permanent structure.

Nothing in this paragraph shall be construed to include campers or recreational vehicles within the definition of 'manufactured home.'

(4) 'Manufactured home park' or 'park' means any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more manufactured homes. Nothing in this paragraph shall be construed to apply to premises used solely for storage or display of manufactured homes.

(5) 'Manufactured home park owner' means the person holding title to the manufactured home park to be sold.

(6) 'Person' means an individual, corporation, partnership, association, or other legal entity, but shall not include a trust of the state or any political subdivision thereof.

(7) 'Resident' means any person who owns or occupies a manufactured home and pays rent or other consideration to place said manufactured home in a manufactured home park.

8-2-193.

(a) No manufactured home park owner shall make a final unconditional acceptance of any offer for the sale or transfer of a manufactured home park, nor shall the owner implement a change in usage of the land as a manufactured home park, without first giving 120 days' notice:

(1) To each resident:

(A) That the owner intends to sell the manufactured home park or change the usage of the land from a manufactured home park; and

(B) Of the price, terms, and conditions of an acceptable offer the park owner has received to sell the park or the price, terms, and conditions for which the park owner intends to sell the park; this notice shall include a copy of the signed written offer which sets forth a description of the property to be purchased and the price, terms, and conditions of the acceptable offer; and

(2) To the Department of Community Affairs that the owner intends to sell the manufactured home park or change the usage of the land from a manufactured home park.

(b) During the notice period required under subsection (a) of this Code section, the manufactured home park owner shall consider any offer received from the residents or a residents' association, if any, and the owner shall negotiate in good faith with the residents concerning a potential purchase. If during the notice period the residents decide to make

1 an offer to purchase the manufactured home park, such offer shall be evidenced by a  
2 purchase and sale agreement; however, the residents shall have a reasonable time beyond  
3 the 120 day period, if necessary, to obtain financing for the purchase.

4 (c) A manufactured home park owner who sells or transfers a park and willfully fails to  
5 comply with this subpart shall be liable to the residents in the amount of \$10,000.00 or 10  
6 percent of the total sales price, whichever is greater. The total of damages to all residents,  
7 in the aggregate, shall not exceed \$10,000.00 or 10 percent of the total sales price,  
8 whichever is greater. Any violation of the provisions of this subpart shall constitute an  
9 unfair trade practice within the meaning of Article 15 of Title 10 and shall be enforced as  
10 provided in that article. This civil penalty shall constitute the sole and exclusive remedy  
11 for violation of this subpart; and the failure by a park owner to comply with this subpart  
12 shall not affect the validity of any sale or transfer of title, nor shall such noncompliance  
13 constitute grounds to set aside a sale or transfer in any court proceedings.

14 (d) Notwithstanding the provisions of subsection (a) of this Code section, a manufactured  
15 home park owner shall not be required to give notice to the residents and the Department  
16 of Community Affairs if:

17 (1) A bank, mortgage company, or any other mortgagee has foreclosed on the park and  
18 said mortgagee:

19 (A) Is selling the park at a foreclosure sale; or

20 (B) Is selling the park after having purchased the park at a foreclosure sale;

21 (2) The sale or transfer is to a family member of the owner or to a trust, the beneficiaries  
22 of which are family members of the owner;

23 (3) The sale or transfer is by a partnership to one or more of its partners;

24 (4) The conveyance of an interest in the park is incidental to the financing of such park;

25 (5) The sale or transfer is between joint tenants or tenants in common; or

26 (6) The sale is pursuant to eminent domain."

## 27 **SECTION 2.**

28 This Act shall become effective on July 1, 2008.

## 29 **SECTION 3.**

30 All laws and parts of laws in conflict with this Act are repealed.